REMARKS

This amendment is submitted in an earnest effort to bring this case to issue without delay.

Applicants wish to reiterate their claim to the benefit of their German priority date of 29 August 2003 pursuant to the International Convention. A certified copy of German Patent Application 103 40260.8 filed 29 August 2003 has been made of record in PCT/DE 2004/001738 of which the instant application is the US National Phase. The Examiner has already acknowledged Applicants' perfected right of priority.

The Examiner has made a number of objections to the specification and Applicants have now replaced the original specification with a substitute specification so that the changes requested by the Examiner can be made more expeditiously. Applicants have amended page 1 at the beginning to insert transmissible spongiform encephalopathy before (TSE). On page 2, line 20 Applicants have replaced "of" with - containing -. On page 9, line 22, Applicants have replaced "the PrP^c Of" with - the PrP^c of -. On page 9, line 9, Applicants have corrected the spelling of chromosomes. At the bottom of page 6 Applicants have inserted the peptides designated as SEQ ID NO:1 through SEQ ID NO:27. Antecedent basis for this insertion may be found in the Sequence Listing.

Applicants have deleted the terms "healing" and "enrich" from the application. The term "agent" has been deleted and Applicant has replaced that term with --peptide-. The meaning of terms "substituted peptide" and "modified peptide" refers to structural changes in the peptide that have been made in order to

increase the solubility of the peptides in water. Introducing such groups as sugar residues, glucoromic acid, sulfate residues, serine, glycine or aspartate by chemical reaction onto either the terminal or the side chains of the peptides are conventional steps that are well known to those "skilled in the art" that can be accomplished without the need to conduct undue experimentation.. Applicants have amended all of the sequence numbers to read as --SEQ ID NO:-- instead of "sequence number" which is the requirement according to the Rules of Practice.

Lastly Applicants have added a Brief Description of the Drawing in the substitute specification right before the Examples. The Brief Description reads as follows:

BRIEF DESCRIPTION OF THE DRAWING

The sole figure in this case is a gel electrophoresis chromatogram showing the results of a Western Blot Analysis for reaction of four peptides of the present invention and a PrP specific antibody compared against Quinacrine as a positive control.

Accordingly the substitute specification is believed to be in full compliance with all requirements of the Rules of Practice as well as 35 USC 112, first paragraph.

Applicants have canceled claims 1 through 9 and replaced those claims with new claims 10 through 23. Antecedent basis for the new claims may be found in the specification on pages 2 through 16 and in the Sequence Listing where the peptides of SEQ ID NO:1

through SEQ ID NO:27 are listed. Thus claims 10 through 23 are now in the application and are presented for examination.

The Examiner has given Applicants a number of rejections against claims 1 through 9 as indefinite under 35 USC 112, second paragraph, as well as non-statutory under 35 USC 101. Applicants have canceled claims 1 through 9 and replaced those claims with claims 10 through 23. Applicants believe that these claims are in compliance with the statutory requirement in the United States. Note that use claim 8, which is non-statutory, has been canceled without a proposed replacement. Applicants have replaced method of treatment claim 9 with claims 22 and 23, which recite a method of inhibiting replication of a PrP^{Sc} prion and which are adequately supported by the disclosure in the specification. The Examiner believes that the in vitro test data, that is the Western Blot analysis, showing reaction between four of the new peptides and a PrP specific antibody, is not sufficient to show actual successful treatment, prevention or curing of TSE. But there should be no doubt that the Western Blot analysis shows that there is a reaction between the new peptides and the antibody and Applicants have worded the proposed claim accordingly.

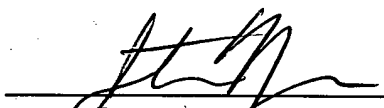
It is believed that method of treatment claims 22 and 23, unlike original claim 9, are in full compliance with the enablement requirement of 35 USC 112, first paragraph. Applicants are no longer claiming a method of preventing or healing transmissible spongiform encephalopathy (TSE), but instead are claiming a method of inhibiting replication of a PrP^{Sc} prion in a mammalian subject,

which is adequately supported by the Western Blot Analysis found in Figure 1 and in the example.

Applicants appreciate the Examiner's indication that a claim directed to the peptide having SEQ ID NO:1 is free of the prior art, including US Patent 5,866,363 to PIECZENIK. Applicants believe similarly that all of the peptides having SEQ ID NO: 1 through SEQ ID NO:27 are free of PIECZENIK and any other prior art as well. Thus no claim now presented should be rejected as anticipated under 35 USC 102 or as obvious under 35 USC 103 in view of the prior art.

Applicants believe that all claims now presented are in condition for allowance and a response to that effect is earnestly solicited.

Respectfully submitted,
The Firm of Karl F. Ross P.C.



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Enclosures: Substitute Specification
Marked-up version